

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 9/19/2013

Case Number 2:10-md-02187

Case Style: In Re: Bard vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Lisa Cook

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Henry Garrard, Fred Thompson, Bryan Aylstock, Carl Frankovitch

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Kate Fife

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

10:05 am to 11:40 am

Total Court Time: 1 Hours 35 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 10:00 a.m.

Actual start time 10:05 a.m

STATUS CONFERENCE

Judge Goodwin and Magistrate Judge Eifert presiding

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation
2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation
2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation
2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation
2:12-md-2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation
2:12-md-2440 In Re: Cook Medical, Pelvic Support Systems Products Liability Litigation

Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Co-Lead counsel for MDL 2187 - Henry Garrard and Derek Potts

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Ethicon MDL 2327 - Renee Baggett and Tom Cartmell

Co-Lead counsel for Coloplast MDL 2387 - Riley Burnett and Robert Salim

Co-Lead counsel for Cook MDL 2440 Ben Anderson and Martin D. Crump

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Paul Ferrell, Harry Bell and Carl Frankovitch

Defendants

Lead counsel for C. R. Bard, Inc., MDL 2187 - Deb Moeller, Richard North and Lori Cohen

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

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Lead counsel for Boston Scientific MDL 2326 - Robert T. Adams and Jon Strongman
Lead counsel for Ethicon MDL 2327 - Christy Jones
Lead Counsel for Coloplast MDL 2387 - Lana K. Varney, Ronn B. Kreps
Co-Lead counsel for Cook MDL 2440 - Doug King
Co-Liaison Counsel for Cook - Margaret Dropplemen and Tim Jones
Co-Liaison counsel: David Thomas
Co-Liaison counsel for Bard - Melissa Foster Byrd

Additional counsel present
Ron Kreps - Pltf, Coloplast
Lori Cohen, Defts Bard
Phil Combs, Defts counsel
Erik W. Legg, Defts counsel
Donna Brown Jacobs, Counsel for Ethicon/J&J
Tom Cartmell, Pltfs
Brad Stanley, Pltfs
Alan S. Lazar - Pltfs
Rayna Kessler - Pltfs
Stephen McConnell - Deft, AMS
Matt Moriarty - Deft, Mentor
Tom Craig - Coloplast
John Foley - Pltfs
Susan Romaine - BSC
Daniel Smulian - Bard
Bill Levin - Pltfs
Bret Stanley - Pltfs
Joe Rice - Pltfs
Vance Andrus - Pltfs
Karen Schroeder - Pltfs

AGENDA:

Common Issues

Tolling issues/timing and volume of filing complaints

Mr. Garrard and Ms. Jones address this issue.

The court will allow a 30 day extension. The parties will work with Ms. Fife to increase the number of cases that can be filed each week.

General status of Bellwether process

Mr. Garrard provides an update.

Ms. Cohen provides an update.

Consolidation of cases for handling and trial

Mr. Garrard addresses consolidation for the Pltfs

Ms. Cohen addresses the issue for the Defts

Mr. McConnell speaks on behalf of AMS concerning consolidation

Ms. Jones addresses consolidation on behalf of Ethicon.

Mr. Adams speaks on behalf of Boston Scientific

Mr. Clark discusses consolidation for the Pltfs

Ms. Moeller addresses the consolidation issue on behalf of Bard.

Ethicon Issues

Prolift selections

Ms. Jones provides an update

Update on stipulations entered

Mr. Aylstock and Ms. Jones provide updates.

No additional Ethicon issues will be discussed at this time.

Boston Scientific Issues

General Update on progress towards trial

Mr. Adams provides an update

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Bard Issues

Mr. Garrard and Ms. Cohen address the Bard issues

Report on Upcoming Trial

General Status Report

Shotgun Complaints

Mr. North addresses the issue of shotgun complaints

AMS Issues

New Schedule for First Bellwether Trial and Adjusted Internal Deadlines.

No Coloplast Issues to discuss

Cook Issues

Status/result of 30(b)(6) corporate defendant deposition regarding proper party depts

Mr. Anderson addresses this issue for the Pltfs

Mr. King speaks on behalf of the Deft

PTO #7 (PPF, PFS, DFS)

Parties have reached an agreement concerning the order

Protective Orders

Mr. Crump addresses the protective orders on behalf of the Pltfs

Next Status Conference will be held on November 7, 2013 @ 12:00 p.m.

End time 11:40 a.m.